

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SRU BIOSYSTEMS, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-201-SLR
)	
DOUGLAS S. HOBBS, JAMES J. COWAN, and)	
COHO HOLDINGS, LLC,)	
)	
Defendants.)	

**SRU'S FIRST NOTICE OF DEPOSITION OF DEFENDANT
COHO HOLDINGS, LLC PURSUANT TO FED. R. CIV. P. 30(b)(6)**

PLEASE TAKE NOTICE that pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, counsel for Plaintiff SRU Biosystems, Inc. ("SRU") shall take the deposition of CoHo Holdings LLC ("CoHo") through the individuals CoHo designates to testify on its behalf with respect to the subjects set forth in Exhibit 1. The deposition will commence at 9:00 a.m. on January 4, 2006 at the offices of Dechert LLP, 200 Clarendon Street, 27th Floor, Boston, Massachusetts, or at another mutually agreeable place and time.

The testimony obtained pursuant to this Notice of Deposition shall be used for any and all appropriate purposes under the Federal Rules of Civil Procedure. The deposition will be recorded by stenographic and/or videographic means, will take place before a Notary Public or other officer duly authorized to administer oaths, and will continue from day-to-day until completed.

You are invited to attend and cross-examine.

ASHBY & GEDDES

/s/ Lauren E. Maguire

Steven J. Balick (I.D. # 2114)
John G. Day (I.D. # 2403)
Lauren E. Maguire (I.D. # 4261)
222 Delaware Avenue, 17th Floor
P.O. Box 1150
Wilmington, DE 19899
(302) 654-1888
sbalick@ashby-geddes.com
jday@ashby-geddes.com
lmauire@ashby-geddes.com

Attorneys for Plaintiff

Of Counsel:

John J. McDonnell
James Gumina
Patrick Gattari
Paula Fritsch
McDONNELL BOEHNEN
HULBERT & BERGHOFF
300 South Wacker Drive
Chicago, Illinois 60606
Tel.: (312) 913-0001
Fax: (312) 913-0002

Dated: December 8, 2005
164406.1

EXHIBIT 1

In relation to the following categories:

1. The terms "Plaintiff" and "SRU" shall mean Plaintiff SRU Biosystems, Inc., its predecessors-in-interest, all other company names under which SRU Biosystems, Inc. is doing or has done business; their predecessors, subsidiaries, divisions, directors, officers, employees, agents, distributors, salespersons, interns, sales representatives, and attorneys; and each person acting or purporting to act on its or their behalf or under its or their control.
2. The terms "Defendant," "CoHo," and "you" shall mean, and the term "your" shall relate to, Defendant CoHo Holdings, LLC and all other company names under which CoHo Holdings LLC is doing or has done business; its predecessors, parents, subsidiaries, divisions or other related business entities; its directors, officers, employees, agents, distributors, jobbers, salespersons, interns, sales representatives, and attorneys; and each person acting or purporting to act on its behalf or under its control.
3. Any word written in the singular herein shall be construed as plural or *vice versa* as necessary to bring within the scope of this Notice all information which otherwise might be construed to be outside its scope.
4. The term "patents-in-suit" shall mean U.S. Patent Nos. 6,870,624 and 6,791,757, and any and all related patents and pending applications.
5. No category or subpart hereof shall be construed as a limitation on any other category or subpart hereof.

The subjects of inquiry for the deposition shall include:

1. The discovery by Doug Hobbs of the novel optical effect.
2. Documentation of the discovery by Doug Hobbs of the novel optical effect.
3. The conception of the inventions claimed in the patents-in-suit and/or the subject matter claimed, disclosed, and/or described therein.
4. Documentation of the conception of the inventions claimed in the patents-in-suit and/or the subject matter claimed, disclosed, and/or described therein.
5. Testing, experimentation, research and/or development of any of the subject matter shown, described, disclosed and/or claimed in the patents-in-suit.
6. Documentation of testing, experimentation, research and/or development of any of the subject matter shown, described, disclosed and/or claimed in the patents-in-suit.
7. The reduction to practice (actual and/or constructive) of the inventions claimed in the patents-in-suit and/or the subject matter claimed, disclosed, and/or described therein.
8. Documentation of the reduction to practice (actual and/or constructive) of the inventions claimed in the patents-in-suit and/or the subject matter claimed, disclosed, and/or described therein.
9. Preparation and prosecution of the patents-in-suit in the U.S. Patent Office or any other patent office.
10. The determination of inventorship of the inventions claimed in the patents-in-suit and/or the subject matter claimed, disclosed, and/or described therein.
11. Assignments or other transfers of an ownership interest of the inventions claimed in the patents-in-suit and/or the subject matter claimed, disclosed, and/or described therein.
12. CoHo's decision to acquire ownership rights in the patents-in-suit.

13. Any searches or investigation by or on behalf of CoHo regarding infringement, validity and/or enforceability of the patents-in-suit.

14. Any opinions of counsel regarding infringement, validity and/or enforceability of the patents-in-suit obtained for or on behalf of CoHo.

15. CoHo's investigation of potential infringement by SRU of the patents-in-suit.

16. CoHo's decision to file a counterclaim for infringement of the patents-in suit against SRU.

17. The relationship between Doug Hobbs and Dr. Brian Cunningham.

18. The relationship between James Cowan and Dr. Brian Cunningham.

19. The relationship between Doug Hobbs and James Cowan.

20. The relationship between Doug Hobbs and SRU.

21. The relationship between James Cowan and SRU.

22. The corporate structure of CoHo, including but not limited to parent and subsidiary entities, as well as the ownership of CoHo and all related entities.

23. Patents and patent applications that have been or will be assigned to CoHo.

24. The factual bases for CoHo's affirmative defense of unclean hands.

25. The factual bases for CoHo's affirmative defense of breach of an implied covenant of good faith and fair dealing.

26. CoHo's document maintenance, retention and destruction policies.

27. CoHo's efforts to collect and produce documents and information responsive to SRU's discovery requests.

28. The location and nature of documents that contain any information relating to topics 1-27 set forth above, including any information that is maintained in electronic form.

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of December, 2005, the attached **SRU'S FIRST NOTICE OF DEPOSITION OF DEFENDANT COHO HOLDINGS, LLC PURSUANT TO FED. R. CIV. P. 30(b)(6)** was served upon the below-named counsel of record at the address and in the manner indicated:

Dale R. Dube, Esquire
Blank Rome LLP
1201 Market Street
Suite 800
Wilmington, DE 19801

HAND DELIVERY

Brian M. Dingman, Esquire
Mirick, O'Connell, DeMallie & Lougee, LLP
1700 West Park Drive
Westborough, MA 01581-3941

VIA FEDERAL EXPRESS

/s/ Lauren E. Maguire

Lauren E. Maguire